



U.S. Fish & Wildlife Service

News Release

Pacific Islands External Affairs Office

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Fish and Wildlife Service Designates Plant Critical Habitat on Kauai and Niihau

The U.S. Fish and Wildlife Service published a final rule designating critical habitat under the Endangered Species Act for 83 threatened and endangered plants on the islands of Kauai and Niihau today, in accordance with a federal court order. After taking into account new information and public comments on the January 2002 proposed rule, the Service has reduced the acreage to be included in critical habitat for threatened and endangered plants by almost 50 percent.

The final rule, which becomes effective in 30 days, establishes 217 single-species critical habitat units covering 52,549 acres on Kauai, and 1 unit of 357 acres on Niihau. Although identified in separate units by plant species, many of the Kauai units actually overlap, creating in essence 17 multi-species units. Thirty percent of the acreage designated as critical habitat is privately held, with the remainder in state and federal ownership.

“Now that we have published this final rule, I want to particularly thank the people of Kauai for their active involvement in its development,” said Anne Badgley, Pacific regional director for the Fish and Wildlife Service. “During the past 3 years, they have attended workshops and public hearings, met with us on the ground, and submitted many written comments. We know we have a better document because they were willing to take the time to get involved.”

The final critical habitat rule – including maps and a thorough description of the critical habitat units and the plant species they contain – can be found in the *Federal Register*. The final rule was published in the *Federal Register* on February 27, 2003.

The final rule and other information about the designation are available at the U.S. Fish and Wildlife Web site: <http://pacificislands.fws.gov>. Copies of the rule may also be obtained by calling the Fish and Wildlife Service’s Honolulu office at 808/541 3441.

Critical habitat refers to specific geographic areas that are essential for the conservation of a threatened or endangered species and which may require special management considerations. These areas do not have to be occupied by the species at the time of designation. A designation does not set up a preserve or refuge, and only applies to situations where federal funding or a federal permit is involved.

In the absence of federal involvement, the Endangered Species Act does not provide any greater protection to listed plants on private lands than they already receive under State law. The act also does not prohibit “take” of listed plants on private lands, but landowners must still comply with State laws protecting imperiled plants. Landowners who may have these plants on their property are encouraged to contact the State of Hawaii Department of Land and Natural Resources for guidance.

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Working with others, the U.S. Fish and Wildlife Service conserves, protects, and enhances fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

The proposed rule was published on January 28, 2002. It identified 99,211 acres on Kauai and 697 acres on Niihau as potential critical habitat. Based on new information received during the public comment periods or gathered during field visits, areas that do not provide the habitat needed by the species or are not essential for its conservation were eliminated in the final rule.

“In some cases, we learned that an area had been developed or a land use had changed, making it inappropriate habitat for the plants,” explained Paul Henson, field supervisor for the U.S. Fish and Wildlife Service’s Pacific Islands office. “Other areas were eliminated because they were not as important for the recovery of the species as other sites.”

Areas that provide the best high-quality habitat, are zoned for conservation, and have ongoing or planned activities to eliminate threats to the plants were considered first for critical habitat. Based on existing recovery plans for the plants, the Fish and Wildlife Service sought to identify the best locales for 8 to 10 populations of each species distributed within the species’ historical range – which in some cases extends to other Hawaiian islands.

“Most scientists seem to agree that a plant species can be considered recovered if we have 8 to 10 populations that are naturally reproducing, stable or increasing in numbers, and secure from threats,” Henson said. “In general, we used this recovery goal in identifying critical habitat for each species, though there are some exceptions.”

Of the 95 plant species originally considered in the Kauai/Niihau rule, 38 species are found on at least one other Hawaiian island. In some cases, better areas to conserve the species were found on other islands, and critical habitat that was proposed for the species on Kauai or Niihau was eliminated from the final rule.

The final rule summarizes the public comments received on the proposed rule and its associated draft economic analysis. The final rule also responds to those comments. Many of the comments expressed during the public hearings opposed critical habitat because it might limit hunting opportunities on the islands.

“The Service supports game hunting on Kauai and Niihau both as a recreational and historical use and as a source of food,” said Henson. “We met with numerous members of the hunting community to address their concerns. The final rule eliminates some public hunting areas proposed as critical habitat because they don’t provide the best habitat for these plants.”

The designation of critical habitat does not require a private or State landowner to fence the designated area or remove game animals. However, the Service plans to work with the State to maintain game hunting areas while at the same time allowing for the recovery of threatened and endangered species on Kauai and Niihau.

The U.S. Navy expressed concern about including portions of its Pacific Missile Range Facility within critical habitat. Several areas were eliminated from the final critical habitat rule after an on-the-ground visit demonstrated that they do not provide habitat required by the plant, lau ehū (*Panicum niihauense*), according to Henson. About 177 acres on the facility are still included in critical habitat.

“The dune system that extends from Polihale State Park through the base may be one of the best intact coastal dune systems remaining in the main Hawaiian Islands, and portions of the Pacific Missile Range Facility are essential for recovery of this species,” Henson said.

“We tried to address the Navy’s concerns by minimizing or avoiding impacts to military operations to the best of our ability,” Henson added.

Lau ehu is a perennial bunchgrass known historically from Niihau and the coastal dunes of southwestern Kauai. The species is currently found only at Polihale State Park, where 23 individual plants remain.

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 540 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resource offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

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Note to Editors: JPEG photos of a few of these plant species are available by calling Sandy Hall in the Fish and Wildlife Service’s Honolulu office at 808 541 2749.